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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/085,543 | 02/28/2002 | Alan B. Shuey | 020014 | 9808 |

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| EXAMINER |
|---|
| CHAN, KO HUNG |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3632 | |

DATE MAILED: 11/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/085,543 | SHUEY, ALAN B. | |
| | Examiner | Art Unit | |
| | Korie H. Chan | 3632 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *28 February 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) *2,6,7,11-13 and 17-22* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-5,8-10 and 14-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

***Election/Restrictions***

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species a drawn to the support of figure 8 with clamp of figures 1-3.

Species b drawn to the support of figure 8 with clamp of figures 4-5.

Species c drawn to the support of figure 8 with clamp of figures 6-7.

Species d drawn to the support of figure 9 with clamp of figures 1-3.

Species e drawn to the support of figure 9 with clamp of figures 4-5.

Species f drawn to the support of figure 9 with clamp of figures 6-7.

Species g drawn to the support of figure 10 with clamp of figures 1-3.

Species h drawn to the support of figure 10 with clamp of figures 4-5.

Species i drawn to the support of figure 10 with clamp of figures 6-7.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with George Raynovich and Examiner Jinhee Lee on April 30, 2002 a provisional election was made without traverse to prosecute the invention of species d, support of figure 9 with clamp of figure 1-3, claims 1, 3-5, 8-10, and 14-16. Affirmation of this election must be made by applicant in replying to this Office action. Claims 2, 6, 7, 11-13, 17-22 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Redman et al'890. Redman discloses a clamp for a cable support system to suspend an object from an overhead beam comprising a C-clamp (11) with a threaded fastener (12) threadingly received within one of the leg (11) of the clamp, and a vertical bore (10A) through receiving a suspended strap, means to restrict downward vertical movement (17) of the suspended strap relative to clamp body. Applicant's intended use for a cable is not accorded with patentable weight.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-5, 8, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Redman et al'890 in view of Arakawa'698. Redman as discussed

above, disclosed all the claimed features of applicant's invention except for provide a conical bore with wedge device cooperating therewith and a lock nut. Arakawa teaches a cable retention wedge system comprising a vertical bore (11) with a conical lower end portion (9), a wedge retainer (8) vertically movable within the bore, wedges (5) retained by the wedge retainer to contact a cable (W) within the bore and to be forced against the cable by the conical end portion of the bore when the retainer is at the lower part of the bore, and a spring (10) to urge the wedge retainer downwardly relative to the bore; wherein the cable is adjusted by forcing the cable upwardly from the bottom of the bore to release the wedges and permit movement of the cable, the wedge retainer has a threaded portion (19a) protruding below the bore with a lock nut (19) threaded onto the wedge retainer lower portion so that after the cable is positioned within retainer at the desired height, the lock nut is tightened to lock the wedge retainer and prevent movement of the wedge retainer relative to the bore. It would have been obvious to one of ordinary skill in the art to modify the hanger and wedge assembly of Redman such that the strap is of a cable type for engagement with the cable retention wedge system of Arakawa. Such modification would have involved a mere substitution of one well-known cable suspension and wedging retainer assembly for another known device which is well within the ambit of one of ordinary skill in the art.

Claims 9, 10, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Redman et al'890 in view of Arakawa'698 as applied to claim 8 above, and further in view of Sword'792. Redman and Arakawa combined disclosed all the claimed features of applicant's invention except for a cable of the type having a

permanent loop formed on one end and passing the other end around the object and through the formed loop and threading the cable into the vertical bore. Sword teaches suspending an objecting via a cable (32) of the type having a permanent loop (figure 1, not labeled) formed on one end and passing the other end (34, fig. 5) around the object (12) and through the formed loop and placing the cable into the vertical bore (70b) of the suspension assembly. It would have been obvious to one of ordinary skill in the art to modify the object securing means of Redman and Arakawa combined such that it is of the permanent loop type at one end and threaded therethrough by the other end of the loop as taught by Sword for engagement with the vertical bore of Redman and Arakawa combined to facilitate a quick mounting and securing system.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Les Braun can be reached on 703-308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Korie H. Chan
Primary Examiner
Art Unit 3632

khc
November 18, 2002